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Chairman: Mr. Mochochoko (Vice-Chairman) ..... (Lesotho)

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In the absence of the Chairman, Mr. Mochochoko (Lesotho), Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

Agenda item 156: Review of the Statute of the Administrative Tribunal of the United Nations

1. **Mr. Alabrune** (France) said that his delegation, recognizing the importance of the United Nations Administrative Tribunal, had four proposals for ways of improving the Tribunal's statute. First, the principle should be established that candidates for membership of the Tribunal should have a recognized legal qualification. The first sentence of article 3, paragraph 2, could be amended along the following lines: "The members shall be appointed by the General Assembly for three years from among persons with a higher education and/or recognized professional experience in legal matters.". Secondly, his delegation would support the extension of the term of office. The current period of three years did not give a member enough time to acquire the judicial experience and thorough legal knowledge required, while the frequent reappointments, although compensating for the short terms of office, introduced an element of uncertainty into the composition of the Tribunal. The term of office could usefully be extended to at least four years.

2. Thirdly, it would be appropriate to give greater emphasis to the fact that the Tribunal was a court of law. To that end, members of the Tribunal could be designated "judges", the Executive Secretary could become the "Registrar" and the secretariat the "Registry". Lastly, in accordance with article 3 of the statute and article 6 of the rules, a maximum of three members sat in any particular case. Admittedly, that enabled the Tribunal to deal with a relatively large number of cases – about 20 – at each session, but it also meant that, in a given case, just two members might be responsible for a judgement, if agreement was not reached and a vote was taken. Although such situations were rare, they weakened the Tribunal's authority. For that reason, it might be appropriate, when consensus had not been reached, for at least the most important cases to be heard before the full Tribunal, in accordance with criteria to be determined. The full Tribunal would then take its decisions by a majority vote. Article 3 of the statute and article 6 of the rules could be amended accordingly.

3. **Ms. Dickson** (United Kingdom) said that her delegation was anxious to ensure that the statute of the Tribunal was updated when necessary, in order that the Tribunal's work could be carried out as efficiently and expeditiously as possible. Following the valuable amendments to the statute contained in General Assembly resolution 52/166, there were a number of other amendments that could usefully be made in order to reflect the important and increasingly complex legal decision-making which the Tribunal faced and to bring the statute into line with the statutes of other international courts, particularly those that had come into being in more recent years.

4. Her delegation concurred with the statement by the representative of France. First, members of the Tribunal should all be required to have an appropriate legal qualification. The statute – somewhat surprisingly – omitted any mention of qualifications for its members; in view of the increasing complexity of the issues before the Tribunal and the potential impact of its decisions on United Nations staff and others, however, it had become essential for the members to be legally qualified, perhaps even with a specific qualification in labour or administrative law.

5. A second useful amendment would be to provide for a slightly longer term of office. The current appointment to a three-year term was out of line with the practice of most other international courts: the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda both provided for four-year renewable terms of office, while the International Court of Justice and the International Tribunal for the Law of the Sea provided for renewable nine-year terms, as would the International Criminal Court, although in that case it would be non-renewable. Her delegation therefore proposed that the term of office of members of the United Nations Administrative Tribunal should be increased to four or five years, still on a renewable basis. That would allow members to make proper use of the expertise gained in the earlier part of their appointment.

6. Lastly, her delegation proposed that in particularly important cases there should be a possibility of having a decision taken by all seven members of the Tribunal instead of a panel of three. The current provision in article 3 of the statute that only three members might sit in any particular case was presumably intended to enable the Tribunal to spread its resources more widely, but there might well be cases of significant importance which would benefit from being heard by all the members. The Tribunal should not be prevented from sitting in that way when it considered it necessary or desirable to do so.

7. The Tribunal's judgements were of enormous importance for the fair administration of the Organization and of the other entities whose staff came within the Tribunal's jurisdiction, and her delegation had the highest

respect for the way in which it carried out its functions. Her proposals were put forward in a constructive spirit, with the aim of assisting the Tribunal. Although her delegation had originally hoped for action on the proposals at the current session, it had decided that there might be some benefit in deferring the matter until the next session. By giving other delegations time to reflect, further ideas for updating the statute might emerge and, if so, all the proposals could be considered together.

The meeting rose at 3.35 p.m.